

REMARKS

I. Summary of Office Action

The Examiner stated that the Information Disclosure Statement submitted for the application fails to comply with 37 C.F.R. § 1.198(a)(2) because a copy of the abstract for Japanese Patent Publication No. JP10 065978 was not submitted.

The Examiner rejected claims 1, 2, 13, 14, 37, 38, 49, 50, 73, 74, 85 and 86 under 35 U.S.C. § 102(b) as being anticipated by Brown US. Patent 5,822,530 (hereinafter "Brown")¹. The Examiner rejected claims 30, 31, 36, 66, 67, 72, 102, 103 and 108 under 35 U.S.C. § 102(e) as being anticipated by Haddad US Publication No. 2005/0097619 (hereinafter "Haddad")².

¹ Applicants note that although the Examiner does not list claim 74 in the heading of the rejection, the Examiner provides reasoning for its rejection in the following comments. Accordingly, applicants will treat claim 74 as being rejected by the Examiner under 35 U.S.C. § 102(b) for being anticipated by Brown.

² Applicants note that although the Examiner lists claim 37 in the rejection, the Examiner provides reasoning for rejecting claim 36, which the Examiner does not otherwise address in the Office Action. Accordingly, applicants will treat claim 36, and not claim 37, as being rejected by the Examiner under 35 U.S.C. § 102(e) for being anticipated by Haddad. Moreover, applicants note that although the Examiner does not list claim 108 in the heading of the rejection, the Examiner provides reasoning for its rejection in the following comments. Accordingly, applicants will treat claim 108 as being rejected by the Examiner under 35 U.S.C. § 102(e) for being anticipated by Haddad.

The Examiner rejected claims 3, 15, 17, 18, 22-26, 39, 51, 53, 54, 58-62, 75, 87, 89, 90 and 94-98 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Haddad³. The Examiner rejected claims 5-8, 41-44, and 77-80 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Schumacher et al. US Patent 6,757,907 (hereinafter "Schumacher"). The Examiner rejected claims 9, 12, 45, 48, 81 and 84 under 35 U.S.C. § 103(a) as being unpatentable over Brown. The Examiner rejected claims 16, 52 and 88 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Haddad and Schumacher. The Examiner rejected claims 4, 19, 20, 21, 40, 55-57, 76 and 91-93 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Shah-Nazaroff et al. US Patent 6,157,377 (hereinafter "Shah-Nazaroff"). The Examiner rejected claims 27, 63 and 99 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Haddad and Shah-Nazaroff. The Examiner rejected

³ Applicants note that although the Examiner does not list claim 26 in the heading of the rejection, the Examiner provides reasoning for its rejection in the following comments. Accordingly, applicants will treat claim 26 as being rejected by the Examiner under 35 U.S.C. § 103(a) for being unpatentable over Brown in view of Haddad.

claims 32-35, 68-71 and 104-107 under 35 U.S.C. § 103(a) as being unpatentable over Haddad in view of Shah-Nazaroff⁴.

The Examiner indicated that claims 10, 11, 28, 29, 46, 47, 64, 65, 82, 83, 100 and 101 contain allowable subject matter. However, the Examiner objected to these claims as being dependent upon rejected base claims and would be allowable if rewritten in independent form.

II. Applicants' Reply to Office Action

Applicants note with appreciation the indication of allowable subject matter in claims 10, 11, 28, 29, 46, 47, 64, 65, 82, 83, 100 and 101.

Claims 28 and 29 have been amended to be written in independent form including all of the limitations of original base claim 1, and are therefore allowable. Claims 64 and 65 have been amended to be written in independent form including all of the limitations of original base claim 37, and are therefore allowable. Claims 100 and 101 have been amended to be written in independent form including all of the limitations of base claim 73, and are therefore allowable.

⁴ Applicants note that although the Examiner does not list claim 71 in the heading of the rejection, the Examiner provides reasoning for its rejection in the following comments. Accordingly, applicants will treat claim 71 as being rejected by the Examiner under 35 U.S.C. § 103(a) for being unpatentable over Haddad in view of Shah-Nazaroff.

Accordingly, applicants respectfully submit that claims 28, 29, 64, 65, 100 and 101 are allowable.

Independent claims 1, 37 and 73 have been amended to include the allowable subject matter in original claims 10, 46 and 82, respectively. Because these independent claims, as amended, include subject matter that was deemed allowable, applicants respectfully submit that claims 1, 37 and 73 are allowable.

Claims 11, 12, 47, 48, 83 and 84 have been amended such that they depend from allowable claims 1, 37 and 73, respectively. Because these dependent claims depend from allowable independent claims, applicants respectfully submit that claims 11, 12, 47, 48, 83 and 84 are allowable.

Claims 6, 7, 42-43, 78 and 79 have been amended to more particularly define the claimed invention. Claims 2-5, 8, 13-27, 38-41, 44, 49-63, 74-77, 80 and 85-99 remain in the application as originally filed. Because claims 2-8 and 13-27 depend from allowable claim 1, claims 38-44 and 49-63 depend from allowable claim 37, and claims 74-80 and 85-99 depend from allowable claim 73, applicants respectfully submit that claims 2-8, 13-27, 38-44, 49-63, 74-80 and 85-99 are allowable.

From the foregoing, applicants respectfully submit that claims 1-8, 11-29, 37-44, 47-65, 73-80 and 83-101 are allowable. Claims 9, 10, 30-36, 45, 46, 66-72, 81, 82 and 102-108 have been canceled without prejudice. The Examiner's claim rejections of claims 1-108 under 35 U.S.C. §§ 102 and 103 based on Brown, Haddad, Schumacher and Shah-Nazaroff have been therefore obviated and are respectfully traversed. Applicants reserve the right to pursue the subject matter of the claims before amendment and the canceled claims in one or more continuing applications. No new subject matter has been added and the amendments to the claims are fully supported by the specification.

III. Request for Acknowledgment of
Information Disclosure Statement

On July 17, 2002, applicants filed an Information Disclosure Statement in connection with the above-identified patent application identifying, among other things, Japanese Patent 60061935, PCT publication WO 88/04507, PCT publication WO 89/12370 and the abstract for Japanese Patent Publication No. JP10 065978. Applicants submitted therewith Form PTO-1449 listing the aforementioned references. However, these references which were listed on the copy of Form PTO-1449 returned with the November 17, 2005 Office Action have not

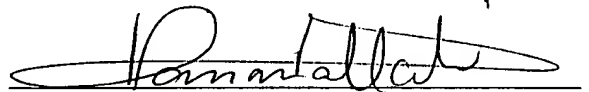
Appl. No. 09/973,976
Reply dated February 16, 2006
Reply to Office Action of November 17, 2005

been initialed by the Examiner. The Examiner's contention in relation to Patent Publication No. JP10 065978 has been noted. Applicants hereby submit a copy of an English abstract for Japanese Patent Publication No. JP10 065978 for consideration by the Examiner. Applicants respectfully request that a fully initialed copy of said Form PTO-1449, as considered by the Examiner, be returned with the next communication. The Director is hereby authorized to charge payment of any fees required in connection with this submission to Deposit Account No. 06-1075 (Order No. 099999-0099). A duplicate copy of this Reply to Office Action is transmitted herewith.

IV. Conclusion

For the reasons set forth above, this application is in condition for allowance. Entry of the amendments and prompt allowance are respectfully requested.

Respectfully submitted,



Hassan Albakri
Limited Recognition No L0013
Agent for Applicants
FISH & NEAVE IP Group
Ropes & Gray LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000

[Date of sending the examiner's decision
of rejection]

[Kind of final disposal of application
other than the examiner's decision of
rejection or application converted
registration]

[Date of final disposal for application]

[Patent number] 3586984

[Date of registration] 20.08.2004

[Number of appeal against examiner's
decision of rejection]

[Date of requesting appeal against
examiner's decision of rejection]

[Date of extinction of right]

Copyright (C); 1998, 2003 Japan Patent Office